

**ASSEMBLY BILL**

**No. 699**

**Introduced by Assembly Member Lieber**

February 19, 2003

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An act to add Chapter 8 (commencing with Section 6850) to Division 3 of the Business and Professions Code, to amend Sections 17280 and 17311 of the Education Code, to amend Sections 14951 and 14956 of the Government Code, and to amend Section 129680 of the Health and Safety Code, relating to construction inspections.

LEGISLATIVE COUNSEL'S DIGEST

AB 699, as introduced, Lieber. Board of Registered Construction Inspectors: hospital and school construction inspectors.

Existing law provides that the State Architect, under the Department of General Services, has general charge of the erection of all state buildings, including schools, and requires the State Architect to assign an inspector to each state building, except a public works project subject to the jurisdiction of another state agency, during its construction. Existing law provides that the Office of Statewide Health Planning and Development is responsible for the Facilities Construction Unit, which is responsible for the building standards and inspection of hospital buildings.

This bill would remove the construction inspection authority of hospitals and schools from the Office of Statewide Health Planning and Development and the State Architect and would instead place it in registered construction inspectors under the supervision and regulation of the Board of Registered Construction Inspectors, which this bill would create within the Department of Consumer Affairs. The bill would provide that an unspecified number of board members would be

appointed by the Director of the Department of Consumer Affairs. The bill would require the board to adopt regulations regarding testing, licensing, and discipline of hospital and school construction inspectors.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 8 (commencing with Section 6850) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 8. REGISTERED CONSTRUCTION INSPECTORS

6850. This chapter constitutes and may be cited as the Registered Construction Inspectors Act.

6851. The Board of Registered Construction Inspectors is established in the Department of Consumer Affairs for the purpose of licensing and registering qualified individuals to inspect hospitals and schools in the state.

6852. For the purposes of this chapter, the following terms have the following meanings:

(a) "Board" means the Board of Registered Construction Inspectors.

(b) "Department" means the Department of Consumer Affairs.

(c) "Director" means the Director of the Department of Consumer Affairs.

(d) "Licensee" means a person licensed under this chapter as a registered construction inspector.

6853. The board shall consist of \_\_\_\_ members appointed by the director.

6854. The board shall administer and enforce the provisions of this chapter by adopting rules and regulations which provide for:

(a) The establishment of licensure qualifications for:

(1) General inspectors.

(2) General inspectors who also qualify to act as independent contractors.

(b) The administration of licensing examinations for individuals applying for licensure pursuant to subdivision (a).

1 (c) The initiation of disciplinary action against a licensee.

2 SEC. 2. Section 17280 of the Education Code is amended to  
3 read:

4 17280. (a) (1) The Department of General Services under  
5 the police power of the state shall supervise the design and  
6 construction of any school building or the reconstruction or  
7 alteration of or addition to any school building, if not exempted  
8 under Section 17295, to ensure that plans and specifications  
9 comply with the rules and regulations adopted pursuant to this  
10 article and building standards published in Title 24 of the  
11 California Code of Regulations, and to ensure that the work of  
12 construction has been performed in accordance with the approved  
13 plans and specifications, for the protection of life and property.  
14 Nothing in this section shall be construed to allow a school district  
15 to perform work with its own forces in excess of the limitations set  
16 forth in Sections 17595 and 17599. In calculating the cost of any  
17 project of reconstruction or alteration of, or addition to, any school  
18 building for the purpose of determining the applicability of the  
19 rules and regulations adopted pursuant to this article and building  
20 standards published in Title 24 of the California Code of  
21 Regulations, the Department of General Services shall not include,  
22 as an element of that cost, any expenses of air-conditioning  
23 equipment or insulation materials for that building, or of installing  
24 the equipment or materials.

25 (2) *All school buildings, as defined in Section 17283, shall be*  
26 *inspected by registered construction inspectors who are licensed*  
27 *by the Board of Registered Construction Inspectors established*  
28 *within the Department of Consumer Affairs. These inspections*  
29 *shall be in addition to the design and construction supervision of*  
30 *school buildings required in paragraph (1).*

31 (3) In the alternative, for a leased or purchased building, a  
32 school district may comply with this section by complying with  
33 Section 17280.5.

34 (b) Whenever repairs due to fire damage, not including any  
35 damage caused by wind or earthquake, must be made to any school  
36 building previously approved by the Department of General  
37 Services, the approved plans and specifications used in the original  
38 work under then existing rules, regulations, and building standards  
39 may be used without modification, providing all other provisions  
40 of this article are carried out.

1 (c) Notwithstanding any other provision of law, no school  
2 district shall be authorized to construct or reconstruct any school  
3 building, regardless of the source of funding, unless and until the  
4 governing board of the district, by resolution, has indicated the  
5 agreement of the district that any school building construction or  
6 reconstruction that exceeds those construction costs and allowable  
7 area standards or any allowable building area computed for an  
8 attendance area pursuant to Section 17041 shall, in the event of the  
9 district's subsequent application for state funding for school  
10 facility construction, be deducted from the allowable building area  
11 for which the district would otherwise have been eligible, which  
12 restriction shall not be subject to waiver or exception as otherwise  
13 may be provided by law.

14 (d) If it is determined that, for any reason, a school district  
15 failed to comply with the requirement of this section, the district  
16 shall not be eligible for any additional building area pursuant to  
17 Section 17049 and may be denied any time priority established for  
18 the particular project pursuant to Section 17016.

19 SEC. 3. Section 17311 of the Education Code is amended to  
20 read:

21 17311. (a) ~~The Department of General Services~~ *A registered*  
22 *construction inspector licensed by the Board of Registered*  
23 *Construction Inspectors* shall make ~~such~~ *the* inspection of the  
24 school buildings and of the work of construction or alteration as  
25 in its judgment is necessary or proper for the enforcement of this  
26 article and the protection of the safety of the pupils, the teachers,  
27 and the public. The school district, city, city and county, or the  
28 political subdivision within the jurisdiction of which any school  
29 building is constructed or altered shall provide for and require  
30 competent, adequate, and continuous inspection during  
31 construction or alteration by ~~an~~ *a registered construction* inspector  
32 satisfactory to the architect or structural engineer and the  
33 ~~Department of General Services~~ *Board of Registered Construction*  
34 *Inspectors*. ~~The~~ *A registered construction* inspector shall act under  
35 the direction of the governing board and architect or structural  
36 engineer as the board may direct. The *registered construction*  
37 inspector shall be responsible to the governing board for  
38 employment purposes. The *registered construction* inspector shall  
39 be responsible to the ~~Department of General Services~~ *Board of*



1 *Registered Construction Inspectors* for enforcement of the plans  
2 and specifications of the school project.

3 (b) In order to ensure the competency and adequacy of the  
4 *registered construction* inspectors required under this article, the  
5 ~~Department of General Services Board of Registered~~  
6 *Construction Inspectors* shall do all of the following:

7 (1) Revise the examination used to determine the competency  
8 of those who provide inspections pursuant to this article. The  
9 revision of the examination shall include techniques of inspection,  
10 construction, plan reading, required submittal documents, and  
11 knowledge of statutes and regulations that apply to school  
12 construction. The revision of the examination shall be done not  
13 later than 48 months after the last revision and not earlier than 36  
14 months after the last revision.

15 (2) Provide training on an ongoing basis to all individuals who  
16 provide the inspections required under this article. The training  
17 shall be designed to ensure that all individuals who provide the  
18 continuous inspection of school building construction or alteration  
19 are sufficiently knowledgeable of the rules, regulations, and  
20 standards that apply under this article.

21 (3) Require evaluation of the competency of those who provide  
22 inspections pursuant to this article. After an initial evaluation a  
23 reevaluation shall occur not later than 48 months after the last  
24 evaluation or reevaluation and not earlier than 36 months after the  
25 last evaluation or reevaluation. An evaluation or reevaluation shall  
26 include passage of the examination used to determine competence  
27 specified in paragraph (1) and attendance at training specified in  
28 paragraph (2).

29 (c) ~~The Department of General Services Board of Registered~~  
30 *Construction Inspectors* may require a fee from all individuals  
31 applying for evaluation or reevaluation pursuant to subdivision  
32 (b), and a fee for the examination administered in the evaluation  
33 or reevaluation. The fees shall not be more than the reasonable  
34 costs associated with the development and administration of the  
35 examination and the training.

36 SEC. 4. Section 14951 of the Government Code is amended  
37 to read:

38 14951. (a) The Department of General Services shall  
39 succeed to the powers, duties, and functions with respect to  
40 architectural services previously vested in the Division of

1 Architecture or the State Architect of the Department of Public  
2 Works.

3 (b) The State Architect has general charge, under the  
4 Department of General Services, of the erection of all state  
5 buildings and shall have an inspector assigned to each building  
6 during its construction.

7 (c) *A registered construction inspector licensed by the Board of*  
8 *Registered Construction Inspectors shall have general*  
9 *supervisory control over the inspection of all school buildings.*

10 (d) It shall be the policy of the state that one of the prime  
11 considerations in the design of state buildings shall be the  
12 conservation of energy resources needed to heat, cool, and light  
13 these buildings; along with usefulness, environmental quality,  
14 aesthetic effect, and all matters relating to fire protection and fire  
15 safety.

16 (e) In determining the requirements necessary to comply with  
17 this policy, the owning and operating costs for the anticipated life  
18 of the building shall be used rather than initial cost only.

19 SEC. 5. Section 14956 of the Government Code is amended  
20 to read:

21 14956. (a) This chapter, insofar as it vests in the State  
22 Architect general charge of the erection of all state buildings and  
23 ~~require~~ *requires* him or her to have an inspector assigned to each  
24 building during its construction, does not apply to the construction  
25 of any public works which is under the jurisdiction of the  
26 Department of Water Resources, the Department of Boating and  
27 Waterways pursuant to Article 2.5 (commencing with Section 65)  
28 of Chapter 2 of Division 1 of the Harbors and Navigation Code,  
29 or the Department of Transportation *Board*.

30 (b) *The Board of Registered Construction Inspectors is vested*  
31 *with general charge of inspections conducted by registered*  
32 *construction inspectors of all school buildings constructed within*  
33 *the state.*

34 SEC. 6. Section 129680 of the Health and Safety Code is  
35 amended to read:

36 129680. (a) It is the intent of the Legislature that hospital  
37 buildings that house patients who have less than the capacity of  
38 normally healthy persons to protect themselves, and that must be  
39 reasonably capable of providing services to the public after a  
40 disaster, shall be designed and constructed to resist, insofar as



1 practical, the forces generated by earthquakes, gravity, and winds.  
2 In order to accomplish this purpose, the office shall propose proper  
3 building standards for earthquake resistance based upon current  
4 knowledge, and provide an independent review of the design and  
5 construction of hospital buildings.

6 (b) (1) Local jurisdictions are preempted from the  
7 enforcement of all building standards published in the California  
8 Building Standards Code relating to the regulation of hospital  
9 buildings and the enforcement of other regulations adopted  
10 pursuant to this chapter, and all other applicable state laws,  
11 including plan checking and inspection of the design and details  
12 of the architectural, structural, mechanical, plumbing, electrical,  
13 and fire and panic safety systems, and the observation of  
14 construction. ~~The~~ *Except as provided in paragraph (2), the office*  
15 *shall assume these responsibilities.*

16 (2) *The office is not responsible for the inspection of hospital*  
17 *buildings, as defined in Section 129725. Hospital building*  
18 *inspections shall be performed by registered construction*  
19 *inspectors licensed by the Board of Registered Construction*  
20 *Inspectors within the Department of Consumer Affairs.*

21 (c) Where local jurisdictions have more restrictive  
22 requirements for the enforcement of building standards, other  
23 building regulations, and construction supervision, these  
24 requirements shall be enforced by the office.

25 (d) Each local jurisdiction shall keep the office *and the Board*  
26 *of Registered Construction Inspectors* advised as to the existence  
27 of any more restrictive local requirements. Where a reasonable  
28 doubt exists as to whether the requirements of the local jurisdiction  
29 are more restrictive, the effect of these requirements shall be  
30 determined by the Hospital Building Safety Board.

31 It is further the intent of the Legislature that the office, with the  
32 advice of the Hospital Building Safety Board, may conduct or  
33 enter into contracts for research regarding the reduction or  
34 elimination of seismic or other safety hazards in hospital buildings  
35 or research regarding hospital building standards.